

## **Information Collection Clearance**

### **The Supporting Statement**

#### **Medical Qualification Requirements**

Introduction: This is to request the Office of Management and Budget's (OMB) approval for the revision of the information collection (IC) entitled "Medical Qualification Requirements," covered by OMB Control Number 2126-0006, which is currently due to expire on July 31, 2015. This revision is due to the Agency's development of a notice of proposed rulemaking (NPRM) entitled, "*Medical Examiner's Certification Integration*," (78 FR 27343, dated May 19, 2013) (see Attachment A) that would require States to update their Commercial Driver's License Information System (CDLIS) driver records using medical certification and variance information provided electronically by the Federal Motor Carrier Safety Administration (FMCSA) for interstate Commercial Driver's License (CDL) drivers who are required to be certified in accordance with § 391.41. The proposed rule would eliminate the requirement for these drivers to provide their medical examiner's certificates to their State Driver's Licensing Agency (SDLA). It would also eliminate the requirement for motor carriers to verify that their drivers were certified by a medical examiner (ME) on the National Registry of Certified Medical Examiners (National Registry).

#### **Part A. Justification.**

##### **1. Circumstances that make the collection of information necessary:**

Commercial Motor Vehicles (CMV) are by their nature a threat to highway safety if not operated properly by qualified individuals. CMVs (trucks and buses) are longer, heavier, and more difficult to maneuver than automobiles. Not only does it take a skilled driver to operate them safely, it takes a physically and mentally fit driver to do so as well. Information certifying driver medical fitness must be collected in order for our highways to be safe. FMCSA is the Federal government agency authorized to require the collection of this information, and the authorizing regulations are located at 49 CFR 390-399 (see Attachment B).

FMCSA's regulation at 49 CFR § 391.41 sets forth the physical qualification standards that interstate CDL holders who are subject to part 391 must meet, with the exception of CDL drivers of migrant workers (who must meet the physical qualification standards set forth in 49 CFR § 398.3). The regulations on keeping records for driver physical qualifications are found at 49 CFR § 391.43, which specifies that a physical examination be performed on CMV drivers subject to part 391 who operate in interstate commerce. The results of the examination shall be recorded in accordance with the requirements set forth in that section.

If two MEs disagree about the medical certification of a driver, the requirements set forth in 49 CFR § 391.47 mandate that a third ME's opinion be submitted. The third ME is an impartial medical expert whose participation to give a medical opinion is mutually agreed upon by the driver and motor carrier. If there is disagreement on the opinion by either party, § 391.47

provides a procedure for submitting an application to the FMCSA for resolution of the medical conflict.

The current provisions of 49 CFR §§ 391.51 and 398.3 require that a motor carrier retain the medical examiner's certificate in the DQ file for 3 years. The certificate affirms that the driver is physically qualified to drive a CMV in interstate commerce.

Persons who are not physically qualified to drive under § 391.41 due to a limb impairment must file an application for and be issued a skill performance evaluation certificate (SPE) (formerly a limb waiver) in order to be physically qualified. This is specified in § 391.49. The application must be submitted to the appropriate FMCSA service center in which the driver has legal residence. If the application is submitted jointly by the person (driver applicant) who seeks the SPE certificate and by the motor carrier who will employ the driver applicant, the application must be submitted to the FMCSA service center closest to where the motor carrier's principal place of business is located. If the SPE certificate is granted by the FMCSA, the motor carrier must retain a copy of it in the DQ file for 3 years. The SPE certificate is valid for 2 years (unless otherwise specified) and may be renewed.

Title 49 CFR § 381.300 establishes the procedures that persons must follow to request exemptions from the FMCSA safety regulations. Without an exemption, individuals who do not meet the vision or diabetes requirements in § 391.41 would not be qualified to operate a CMV in interstate commerce.

On September 3, 2003, the FMCSA announced in a Final Notice of Disposition entitled, "*Qualification of Drivers; Exemption Applications; Diabetes,*" (68 FR 52441), (see Attachment C) that it will issue exemptions to CMV drivers with insulin-treated diabetes mellitus (ITDM) from the Federal diabetes standard set forth in § 391.41(b)(3). An exemption will be granted only to those applicants who meet specific conditions and comply with all the requirements of the exemption. Exemptions will be valid for up to 2 years and require renewal after the end of that period.

On November 8, 2005, the FMCSA announced in a Notice of Revised Final Disposition titled, "*Eligibility Criteria and Applications; Diabetes,*" (70 FR 67777) (see Attachment D), its decision to revise the terms and conditions of its previous decision to issue exemptions to CMV drivers with ITDM from the Federal diabetes standard in the Federal Motor Carrier Safety Regulations (FMCSRs). This action was in response to section 4129 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Public Law 109-59, 119 Stat. 1144 (August 10, 2005) (at Attachment E), which required FMCSA within 90 days of the statute's enactment to modify its exemption program to allow individuals who use insulin to treat diabetes mellitus to operate CMVs in interstate commerce. While these individuals no longer had to demonstrate safe driving experience operating a CMV while using insulin, other requirements were implemented by section 4129. Under the current diabetes exemption program, each applicant is required to provide the following: certain vital statistics, an endocrinologist evaluation, an evaluation by an ophthalmologist or optometrist, a current medical examination report from a ME, a readable photocopy of a current driver's license and a

current motor vehicle record. The Agency must ensure that granting the exemption will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with the regulations.

On December 1, 2008, the FMCSA published a final rulemaking (FR) titled, “*Medical Certification Requirements as part of the CDL*” (73 FR 73096) (see Attachment). The FR requires that: 1) CDL drivers subject to 49 CFR part 391 (non-excepted, interstate drivers) provide the SDLA with an original or copy of their medical certificate so that this information can be recorded in the State’s CDLIS driver record, before the initial issuance, renewal, transfer or upgrade of the CDL; and 2) all CMV drivers operating in interstate commerce (both CDL and non-CDL holders) subject to 49 CFR part 391 who are issued either an FMCSA exemption under 49 CFR part 381, subpart C, or a SPE certificate<sup>1</sup> under 49 CFR § 391.49, provide motor carriers with a copy of the certificate.

On April 20, 2012, the FMCSA revised this Information Collection Request (ICR) due to a final rulemaking (FR) titled, “*National Registry of Certified Medical Examiners*” (77 FR 24104) (see Attachment F). The FR requires MEs who conduct physical examinations for interstate commercial motor vehicle (CMV) drivers to complete certain training concerning the FMCSA physical qualification standards, pass a certification test and maintain competence through periodic retraining and retesting. ME candidates have to submit demographic and eligibility data in order to apply to take the certification test. ME candidates must pass a certification test administered by a testing organization that enters eligibility information and forwards test results to the National Registry. The FR also requires MEs to transmit to FMCSA certain information about completed Medical Examinations of CMV drivers on a monthly basis and provide copies of Medical Examination Reports and medical examiner’s certificates to authorized representatives or agents of the FMCSA or authorized State or local enforcement agency representatives upon request. The FR requires employers to verify the National Registry Number of the ME for each driver examined by a ME listed on the National Registry and place a note regarding verification in the DQ file.

This IC supports the U.S. Department of Transportation (DOT) Strategic Goal of Safety by ensuring that CMV drivers are medically qualified to operate trucks and buses on our nation’s highways.

## **2. How, by whom, and for what purpose is the information used:**

The public interest in, and right to, have safe highways requires the assurance that drivers of

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<sup>1</sup> CDL holders subject to part 391 are already required to provide the employing motor carrier with a copy of the SPE certificate so it can be retained in the motor carrier’s file for a period of 3 years after the date of execution. The driver is also required to have the SPE certificate or medical exemption document (or a legible copy) in his or her possession whenever on duty. See 49 CFR § 391.49(j) (1). Neither, the SPE nor the medical exemption information collection activities are new for purposes of complying with the Paperwork Reduction Act (44 U.S.C. §§ 3501-3520) and the burden hour estimates for them do not change as a result of the requirements set forth in the final rule entitled, “*Medical Certification Requirements as Part of the Commercial Driver License.*”

complicated, modern CMVs can safely perform the increased physical and mental demands of their duties. FMCSA medical standards provide this assurance by requiring drivers to be examined and medically certified as physically and mentally fit to drive.

Third-party requirements of this IC are being considered since State laws are generally in substantial conformity with the Federal regulations for medical qualifications of commercial drivers. Consequently, the estimate of the number of CMV drivers (respondents) covered by this IC reflects both interstate drivers subject to the FMCSRs and intrastate drivers subject to compatible State regulations. Although Federal regulations do not require States to comply with the medical requirements in the FMCSRs, most States do mirror the Federal requirements; therefore, we assume this burden is consistent with other FMCSA ICs.

Motor carriers are permitted to employ only drivers who are medically certified to drive. Applicants with certain medical conditions are not qualified to drive. Individuals with limb impairments are permitted to operate a CMV, but only when they are otherwise qualified and are granted a SPE certificate by FMCSA. FMCSA must collect this type of medical information about drivers so that public safety is not compromised.

The medical conflict application provision provides a mechanism for drivers and motor carriers to have FMCSA make a final decision to resolve conflicting medical evaluations when either party does not accept the decision of a medical specialist. Without this provision and its incumbent information-collecting requirements, an unqualified person may be permitted to drive and qualified persons may be prevented from driving.

MEs must provide specific FMCSA-prescribed information about every driver they examine. The purpose for providing information is that medical conditions that could adversely affect safe driving ability or cause incapacitation constitute a risk to the public. If this information were not required, the threat to public safety would be immense and unacceptable.

FMCSA may grant a medical exemption based on individual case review that relieves a person from compliance with a regulation if the agency determines the exemption is in the public interest and would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by complying with the regulation. Information collected under 49 CFR § 381.310 is necessary to FMCSA in making its determination to grant an exemption from compliance with a regulation.

MEs who examine and certify interstate CMV drivers must effectively determine whether drivers are physically fit to operate a CMV. The National Registry regulations require MEs to provide application information. Ultimately, these data will be used to provide CMV drivers with contact information for those medical professionals who pass the certification test. In some cases, this information will be needed to address removals from the National Registry.

Every 10 years ME candidates must pass a certification test administered by a testing center that forwards the test results to the National Registry System. The testing center will enter

verification of identity and testing eligibility information using a password-protected Web account. FMCSA will use test results information to track participant test-taking trends as well as provide applicants for medical certification with test results and follow-up information.

After a ME is certified and listed on the National Registry, the regulations require him or her to electronically transmit the results of driver physical examinations on a monthly basis to the National Registry System for all driver examinations required under § 391.41. The regulations also require MEs to provide copies of Medical Examination Reports and medical examiner's certificates to authorized representatives or agents of the FMCSA or authorized State or local enforcement agency representatives, in order to determine ME compliance with FMCSA medical standards and guidelines in performing CMV driver medical examinations. Failure to comply with FMCSA medical standards and guidelines may result in removal from the National Registry.

Beginning May 21, 2014, the regulations will require MEs to record their National Registry Number on each medical examiner's certificate they issue under § 391.43(g)(2). Motor carriers will be required to verify that each driver was examined by a ME listed on the National Registry and place a note relating to verification in the DQ file as proof that the motor carrier has met its obligation to require drivers to comply with the regulations that apply to the driver (49 U.S.C. 31135(a) and 49 CFR 390.11).

**This ICR has the following IC forms:**

MCSA-5850, "CMV Driver Examination Results Form,"(Currently approved)

MCSA-5875, "Medical Examination Report Form,"(to be implemented 3 years after final rule)

MCSA-5876, "Medical Examiner's Certificate," (to be implemented 3 years after final rule).

**3. Extent of automated information collection:**

There is nothing to preclude an electronic record of the medical examination. The FMCSA is continuously evaluating new information technology in an attempt to decrease the burden on motor carriers and MEs. Our evaluation is always done in the context of retaining highway safety as our highest priority. Any new or improved information technology in the medical or scientific field would be subject to rulemaking if it affected the medical qualifications of drivers.

Beginning May 21, 2014, the National Registry FR will require employers to verify the National Registry Number on the medical examiner's certificate and place a note regarding verification in the DQ file. The National Registry public web site will allow employers to search the National Registry using the National Registry Number. The Medical Certification Integration NPRM proposes to eliminate the requirement for employers to verify the National Registry Number for CDL drivers by providing that information to the SDLAs electronically.

Beginning January 30, 2012, the Med Cert FR eliminated the requirement for motor carriers to

obtain a hard copy of the medical examiner's certificate signed by the ME for CDL drivers operating in non-excepted interstate commerce and retain it on file in the DQ file for three years from the date of issuance. Instead, motor carriers must use the CDLIS motor vehicle record obtained from the current licensing State to verify that a CDL driver operating in non-excepted interstate commerce is medically certified and holds the variances required on his or her medical examiner's certificate. There are two exceptions: (1) Motor carriers may retain a copy of a CDL driver's medical certificate on file and drivers may carry the medical examiner's certificate while operating a CMV for 15 days from the date of examination as proof of DQ; and (2) until January 30, 2014, motor carriers may retain a copy of a CDL driver's medical certificate on file if the CDLIS MVR has no medical certification status information.

Consistent with the OMB's commitment to minimizing respondents' recordkeeping and paperwork burdens and the increased use of secure electronic modes of communication, it is estimated that approximately 75 percent of the National Registry data will be transmitted electronically. As indicated, ME candidates will submit application data, testing centers will submit eligibility data and test results data, MEs will submit CMV driver examination results, and copies of Medical Examination Reports and medical examiner's certificates via a secure web site.

The Medical Examiner's Certification Integration would eliminate the requirement for employers to verify the National Registry Number for CDL drivers and place a note regarding verification in the DQ file.

#### **4. Efforts to identify duplication:**

The FMCSA is the only Federal agency with the authority to regulate the qualifications of CMV drivers operating in interstate commerce. Rulemaking under the Administrative Procedure Act provides the necessary medium for uncovering duplication if it existed. Comments to the docket on various FMCSA rulemaking notices have revealed no duplication.

#### **5. Efforts to minimize the burden on small businesses:**

Increasing the frequency of collection of CMV driver examination data does affect medical clinics and practices, so there would be some impact on small businesses; however, since this data is already recorded on the medical examiner's certificate, and will already have been reported on a monthly basis, it is anticipated this would not have a significant impact or require a significant time burden. Information collection from employers, some of whom are small businesses, would decrease, because the proposed rule would eliminate the National Registry Number verification requirement for CDL drivers.

#### **6. Impact of less frequent collection of information:**

Periodic re-evaluation and recertification is needed to assess medical fitness for duty, including onset of new conditions or changes in existing conditions that may adversely affect ability to drive safely and/or cause incapacitation that could be a risk to public safety. MEs have

discretion to certify for shorter time periods on a case-by-case basis for medical conditions that require closer monitoring or that are more likely to change over time.

Federal vision and diabetes exemptions must be reviewed every 2 years to ensure that the granting of the exemption does not diminish safety under 49 CFR § 381.310. In the interest of highway safety, the medical examination and exemption renewal should not be performed less frequently.

In order to populate the National Registry with 40,000 MEs by May 21, 2014, FMCSA will certify as many eligible healthcare practitioners as meet the requirements to complete training and pass the certification test. Less frequent collection of ME candidate test results and identity and eligibility information implies fewer test administrations and would likely result in fewer qualified MEs being available to the CMV driver and motor carrier population. Availability of fewer MEs could place a burden on drivers and motor carriers to find a qualified ME to perform the medical examination.

Less frequent collection of driver examination results is not an option, because SAFETEA-LU requires MEs to transmit to the FMCSA Chief Medical Examiner, electronically and on a monthly basis, the name of the applicant and FMCSA numerical identifier for any completed Medical Examination Report required under 49 CFR § 391.43. Less frequent collection of driver data, Medical Examination Reports and medical examiner's certificates would compromise the FMCSA's ability to determine ME compliance with the FMCSA medical standards and guidelines in performing CMV driver medical examinations, which could result in having MEs listed on the National Registry who should be removed. Less frequent data collection would result in decreased validity of the data (i.e., less frequent data submission may increase the error rate due to unintentional omission of examination information).

Less frequent verification of the National Registry Number by employers would mean drivers may not have been examined by a ME on the National Registry, and they may no longer meet the physical qualifications standards of the FMCSRs even though they were previously certified as physically qualified.

#### **Medical Examiner's Certification Integration:**

The Medical Examiner's Certification Integration NPRM proposes the provision of medical certification data by MEs on the same day in order to automate the medical certification as part of the CDL process. Less frequent collection of medical examiner's certificate information would result in delays to drivers who are applying for CDLs and motor carriers continuing to retain and drivers continuing to carry the medical examiner's certificate for 15 days after the date of examination.

#### **7. Special circumstances:**

There are no special circumstances associated with this ICR.

#### **8. Compliance with 5 CFR § 1320.8:**

As noted above, on September 3, 2003, the FMCSA announced in a Final Notice of Disposition that it will issue exemptions to certain diabetic drivers of CMVs from the diabetes mellitus prohibitions contained in 49 CFR § 391.41(b)(3). Exemptions are granted only to those applicants who meet specific conditions and comply with all the requirements of the exemption. Exemptions will be issued for a period of 2 years; after 2 years, those holding exemptions may reapply for another 2-year exemption period.

On November 8, 2005, the FMCSA announced its decision to revise the terms and conditions of its previous decision to issue exemptions to CMV drivers with ITDM from the Federal diabetes standard in the FMCSRs. This action is in response to section 4129 of SAFETEA-LU. As a result of the implementation of section 4129, individuals with ITDM who are applying for an exemption from the physical qualifications requirements are no longer required to submit proof of their driving experience operating a CMV while using insulin. Proof of driving experience would typically include letters of reference from the current and previous employers that the person was employed as a CMV driver, and an estimate of the number of hours the individual spent driving each week over a 3-year period. Therefore, the elimination of the 3-year driving experience requirement has resulted in a significant reduction in the information burden associated with applying for a diabetes exemption.

On October 19, 2006 (71 FR 61822), (see Attachment I) FMCSA published a notice in the Federal Register requesting public comments on the proposed renewal of this IC. The agency received no comments from the public in response to this notice. In addition, FMCSA published a second notice (72 FR 9995) on March 6, 2007 (see Attachment J) with a 30 day comment period that announced this IC was being submitted to OMB for approval.

On November 16, 2006, FMCSA published a NPRM entitled, “*Medical Certification Requirements as Part of the CDL*” (71 FR 66723), and requested comments from the public on its proposal to amend the FMCSRs to merge information from the medical certificate into the CDL process required by section 215 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA), Public Law 106-159, 113 Stat. 1748, (December 9, 1999). The comments received in response to the NPRM were addressed in the final rule.

On December 1, 2008, the FMCSA published an NPRM (73 FR 73129) concerning the National Registry program. The NPRM contained information about the ME training and certification testing process including the information collection requirements. The NPRM also defined the requirements for reporting CMV driver examination data and submitting Medical Examination Reports and medical examiner’s certificates. Numerous comments were submitted to the

Agency in response to the NPRM, and those comments were addressed in the Final Rule.

On March 16, 2011, FMCSA published an additional notice (76 FR 14366) (see Attachment K) requesting comment on a modification of the information collection requirements under consideration by the agency. FMCSA responded to the comments on the modification of the information collection in the final rule.

**9. Payments or gifts to respondents:**

Respondents to this IC do not receive any payments or gifts.

**10. Assurance of confidentiality:**

All medical records are kept confidential. The information is retained by the FMCSA in accordance with the requirements of the Privacy Act of 1974. The FMCSA, in accordance with 49 CFR §§ 391.51 and 398.3, requires only the medical examiner's certificate or a copy of the MVR obtained from the SDLA and a note regarding verification of the National Registry Number on the medical examiner's certificate to be kept in the DQ file maintained by the employer.

FMCSA has developed secure processes for the transmission of information, records control and repository, and the ability to retrieve and search records. A secure National Registry information system and Web interface is being used, by which each ME registered in the National Registry will receive a unique login ID and password upon his or her acceptance into the National Registry. MEs and ME designated administrative personnel will be able to access this information system, but limited to only view, edit, and change the ME's own identification, contact, medical credential, employer contact, and training information, request voluntary removal from the National Registry, and to securely upload the required monthly CMV driver examination summary data.

Testing Organizations/Test Centers will also have password-protected access to the secure information system and Web interface, limited to view and verify the ME's eligibility to take the certification exam. Testing Organizations/Test Centers will have the ability to enter information into and edit the following ME data fields: type of photo identification used, photo identification expiration date, and ME training information. Test Centers oversee the quality of the testing results. Testing organizations that offer testing of MEs by means of online testing will provide a means to authenticate the identity of the person taking the test, to monitor the activity of the person taking the test, and to prevent the person taking the test from reproducing the contents of the test.

MEs will enter their National Registry Identification Number on the medical examiner's certificates. MEs will enter the CMV driver's medical examiner's certification information in Form MCSA-5850 through the secure password-protected Web interface, which will identify the ME.

FMCSA will validate the test results, ME licensing credentials and training, and notify the ME of

certification. Access to Medical Examination Reports and medical examiner's certificates will be limited to authorized representatives of FMCSA or authorized Federal, State, or local enforcement agency representatives.

The secure system will encrypt all documents. The redress process described in the Individual Participation and Redress section of the Privacy Impact Assessment for the National Registry is a mechanism to maintain and improve accuracy of information.

#### **11. Justification for collection of sensitive information:**

The medical examination process requires the ME to inquire about aspects of driver physical and mental health, including history of frequent alcohol use, illicit drug use or habit-forming medication use. The FMCSA reviews Medical Examination Reports as part of the SPE, diabetes exemption, and vision exemption processes in order to confirm the driver is otherwise physically qualified. In the future, FMCSA will collect and review Medical Examination Reports and medical examiner certificates from MEs listed on the National Registry Program in order to monitor the performance of MEs, as required by SAFETEA-LU.

The FMCSA collects ME application data in order to match on-site documentation with verification of identity and testing eligibility (e.g., proof of State licensure that allows performance of physical examinations and proof of completion of training that conforms to the FMCSA core curriculum specifications). The FMCSA collects test results data to track participant test-taking trends as well as provide respondents with test results and follow-up information.

MEs are required to submit CMV driver certification examination outcomes (e.g., medically qualified, medically unqualified, temporarily disqualified) in conjunction with driver name, licensing state, license number, and date of birth. Submission of this general medical examination information is necessary to tie a specific ME to a specific driver examination in order to monitor the performance of certified MEs.

#### **12. Estimate of burden hours for information requested:**

##### Medical Examination Report and Medical Examiner's Certificate

There are approximately 7,058,000 drivers subject to the FMCSA medical standards. A medical certificate usually is valid for 2 years after the date of examination. However, drivers with certain medical conditions must be certified more frequently than every 2 years, so halving the number of drivers underestimates the total number of certifications that are conducted annually. In addition, some employers require newly hired drivers to obtain a new medical certification even if the driver's current certificate is still valid. As a result of these exceptions to the biennial medical certification schedule, the Agency estimates that the actual number of medical certifications conducted annually is 31 percent greater than would be the case if all drivers were only examined biennially. Biennial examinations would result in approximately 3,529,000 medical examinations per year, but the Agency estimates that approximately 4,623,000

examinations are conducted annually [3,529,000 regular medical examinations x .31 (31%) out-of-cycle medical examinations + 3,529,000 regular medical examinations = 4,623,000]. It takes a ME approximately 20 minutes to complete, document, and file the medical examination report and 1 minute to complete the medical examiner's certificate and furnish one copy to the person who was examined. It takes a motor carrier approximately 1 minute to file the medical examiner's certificate. Therefore, the annual time burden to respondents for the medical examination and certificate is estimated at **1,695,000 hours** (4,623,000 certificates x 22 minutes/60 minutes per hour).

Respondents' salary costs associated with these hours is estimated as calculated below. The average hourly wage of a ME (not limited to doctors of medicine but may include doctors of osteopathy, physician assistants, advance practice nurses, and doctors of chiropractic) is estimated to be \$89.00. Therefore, the annual salary cost for MEs to complete the medical examination process is approximately \$144,006,450 [4,623,000 examinations x (\$89.00 x 21 minutes/60 minutes per hour) = \$144,006,450].

The average hourly wage (including benefits) of motor carriers' administrative personnel is estimated to be \$19.00. Therefore, the annual salary cost to motor carriers to file the certificate is about \$1,464,000 [4,623,000 certificates x \$19.00 x 1 minute/60 minutes = \$1,464,000]. The total annual salary and wage cost to respondents for the Medical Examination Report and the medical examiner's certificate is about **\$145,470,450** (\$144,006,450 salary costs for medical examinations + \$1,464,000 salary costs for administrative support).

#### Resolution of Medical Conflict

The safety director of a motor carrier would generally submit the application to the FMCSA for a resolution of medical conflict, and would attend a hearing if the FMCSA deems it necessary to hold a hearing. A safety director would need approximately 1 hour to prepare paperwork for each case and an additional 8 hours to attend any hearing. There are about 3 cases per year submitted to the FMCSA for resolution of conflicting medical opinions. One of every three cases is sent to a hearing before an Administrative Law Judge. Therefore, the annual time burden to respondents for the resolution of medical conflicts is about **11 hours** (3 cases x 1 hour each to prepare, plus 8 hours for one hearing per year).

Respondents' salary costs associated with the resolution of medical conflicts is estimated as calculated below. The average hourly wage (including benefits) of safety directors is estimated to be \$22.00. The motor carrier's cost would be about \$198 if the case went to a hearing (9 hours x \$22 per hour) and approximately \$22 if the case did not go to a hearing. The annual salary costs to respondents for the resolution of medical conflicts is approximately **\$242** [\$198 + 44 (2 non-hearing cases x \$22 per case)].

FMCSA has assumed that, due to the small number of 9-15 passenger van drivers (57,900) relative to the total number of drivers subject to physical qualification standards (7,058,000) and the fact that only 3 medical conflict resolution cases currently arise per year, that the 9-15 passenger van rule will result in no increase in the number of medical conflict resolutions.

### Skill Performance Evaluation (SPE) Certification Program (formerly the Limb Waiver Program)

An SPE certificate is valid for 2 years; FMCSA estimates that there are currently 1,700 SPE certificates due for renewal in any one given year. Further, it is estimated that there are 400 new SPE certificates processed each year, making a total of 2,100 new and renewed annual SPE certificates. It takes an estimated 15 minutes for a driver to complete an application for a new SPE certificate, approximately 2 minutes for a driver to complete an application for an SPE certificate renewal, and approximately one minute for the motor carrier to make a copy of the SPE certificate and file it in the DQ file. The current annual motor carrier time burden for the SPE certification program is about **35 hours** (2,100 certificates x 1 minute/60 minutes). Drivers who participate in the SPE program spend approximately **157 annual hours** [57 hours (1,700 renewals x 2 minute/60 minutes) + 100 hours (400 new x 15 minutes, or 6,000 minutes/60 minutes)] to complete the SPE application and renewal processes. The current annual hour burden for respondents (motor carriers and drivers) to complete the SPE certificate application and renewal (waiver) processes and retain a copy of the certificate in the driver's DQ file is **192 hours** [35 hours (carrier) + 157 hours (57 driver (renewals) + 100 driver (new))].

Respondents' (carriers and drivers) salary costs associated with the burden for the SPE are estimated as follows. The average hourly wage (including benefits) of motor carriers' administrative personnel, who would file the certificates, is estimated to be \$13.73. The median hourly earnings for drivers of general freight trucks is \$16.11 with the middle 50 percent earning between \$12.67 and \$20.09 per hour. For the purposes of this analysis FMCSA will use \$20.09 per hour as an average.

Therefore, the total annual salary costs to respondents (carriers and drivers) to participate in the SPE certification program is **\$3,635** [\$480.55 for motor carriers (35 hours x \$13.73 per hour for administrative personnel = \$480.55) + \$3,154.13 for drivers (157 hours x \$20.09 per hour = \$3,154.13) = \$3,634.68, or \$3,635 rounded to the nearest dollar].

FMCSA cannot predict how many of the 57,900 drivers now subject to physical qualification standards due to the 9-15 passenger van rule will be part of the SPE program. However, because the total annual hourly burden relative to the total population of drivers is so small (192 hours/7,000,000 hours), FMCSA does not believe this will be a noticeable source of burden for the additional 57,900 impacted by the 9-15 passenger van driver rule.

### Vision Exemptions

There are approximately 1,241 new applications for vision exemptions filed annually and 1,572 total applicants (new and renewals). Approximately 268 new vision exemptions or (22 percent) are granted annually. An exemption is valid for two years, but may be renewed. Currently, there are 1,004 active drivers with vision exemptions. It is estimated that 27 percent or 424 vision exemptions would be up for renewal annually [1,572 total applicants x .27 or 27 percent = 424]. It takes an estimated 60 minutes for a driver to complete an application for a vision exemption. The annual time burden for applying for new vision exemptions and renewing existing vision exemptions is estimated at **692 hours** (268 new vision exemptions + 424 vision exemption renewals x 1 hour each).

It takes an estimated 3 minutes for motor carrier administrative personnel to make a copy of the exemption certificate and file it in the DQ file. The annual time burden for copying and filing the exemption certificate is estimated at **35 hours** [(268 new vision exemptions + 424 vision exemption renewals) x 3 minutes/60 minutes].

Therefore, the total estimated annual burden hours for respondents (carriers and drivers) to complete the vision exemption application and renewal processes, and to retain a copy in the driver's DQ file is **727 hours** [692 hours (driver) + 35 hours (carrier)].

Respondents' (carriers and drivers) salary costs associated with the burden for the vision exemption program are estimated as follows. The median hourly earnings for drivers of general freight trucks is \$16.11 with the middle 50 percent earning between \$12.67 and \$20.09 per hour. For the purposes of this analysis FMCSA will use \$20.09 per hour as an average. The average hourly wage (including benefits) of motor carriers' administrative personnel, who would file the certificates, is estimated to be \$13.73.

The total annual salary cost to drivers to apply for or renew a vision exemption is estimated at **\$13,902** (692 hours x \$20.09 per hour = \$13,902). The total annual salary cost to motor carriers to copy and file the vision exemption certificate is estimated at **\$481** (35 hours x \$13.73 per hour = \$481).

Therefore, the total annual salary costs to respondents (drivers and motor carriers) to participate in the vision exemption program is **\$14,383** (\$13,902 for drivers + \$481 for motor carriers = \$14,383).

FMCSA cannot predict how many of the 57,900 drivers now subject to physical qualification standards due to the 9-15 passenger van rule will apply for vision exemptions. However, because the total annual hourly burden relative to the total population of drivers is so small (727 hours/7,000,000 hours), FMCSA does not believe this will be a noticeable source of burden for the additional 57,900 impacted by the 9-15 passenger van driver rule.

### Diabetes Exemptions

The FMCSA estimates that approximately 600 applications for the diabetes exemption could be filed annually, and that it would take an average of 60 minutes to complete an application. The information collected from the diabetes exemption application will consist of an application letter with supporting documentation specified in the Notice of Revised Final Disposition (Attachment C) (e.g., vital statistics, medical, copy of driver's license). The FMCSA would carefully evaluate each and every application for regulatory relief from the diabetes standard to assess the potential safety performance of each applicant. The diabetes exemption program creates an annual burden of **600 hours** (600 x 1 hour).

The median hourly earnings of drivers of light and heavy trucks is \$20.09 per hour. The total annual salary costs to respondents (CMV drivers) to complete the diabetes exemption application

and renewal processes is estimated at \$12,054 (600 hours x \$20.09 per hour = \$12,054). The average hourly wage (including benefits) of motor carriers' administrative personnel to file a copy of the diabetes exemption in the DQ file is estimated to be \$13.73. The total annual salary for motor carriers' administrative personnel would be \$137 [ $\$13.73 \times 10 \text{ hours (600 diabetes exemptions} \times 1 \text{ minute per exemption/60 minutes per hour)} = \$137.30$  or \$137.00 rounded to nearest dollar]. Therefore, the total annual salary cost to respondents (drivers and carriers) to participate in the diabetes exemption program is estimated at **\$ 12,191** [ $\$12,054$  (driver cost) + \$137 (carrier cost) = \$12,191].

FMCSA cannot predict how many of the 57,900 drivers now subject to physical qualification standards due to the 9-15 passenger van rule will apply for diabetes exemptions. However, because the total annual hourly burden relative to the total population of drivers is so small (600 hours/7,000,000 hours), FMCSA does not believe this will be a noticeable source of burden for the additional 57,900 impacted by the 9-15 passenger van driver rule.

### National Registry

#### *Medical Examiner Application and Test Results:*

The FMCSA estimates each of the respondents will provide medical examiner certification test results and application data every 10 years and updated information to the FMCSA as needed. It is estimated that 20,000 ME candidates will apply to take the certification test annually for the first 2 years of National Registry implementation, or an average of 13,333 applicants per year for the first 3 years of the program. The FMCSA estimates that the total annual burden hours for the collection of the ME application data is **1,111 hours** [ $13,333 \text{ applicants} \times 5 \text{ minutes/60 minutes per response} = 1,111 \text{ hours}$ ]. This annual burden includes ME candidate time for submitting the application data to FMCSA.

Respondents' salary costs associated with these hours are estimated as calculated below. As indicated earlier, the average hourly wage (including benefits) of a ME candidate (advanced practice nurses, doctors of chiropractic, doctors of osteopathy, medical doctors, and physician assistants) is estimated to be \$89.00 an hour. The annual salary cost for ME candidates to provide application data is approximately **\$98,879** [ $1,111 \text{ hours} \times \$89.00 \text{ per hour} = \$98,879$ ].

It is estimated that one or more national private-sector testing organizations will deliver the FMCSA medical examiner certification test to an average 13,333 ME candidates annually for the first 3 years following implementation of the National Registry program. It is also estimated that it will take private-sector testing organization personnel 5 minutes to collect and upload to the FMCSA data and test results per ME candidate. The FMCSA estimates that the total annual burden hours for private-sector testing organizations to collect ME application data and send ME application and test results data to the FMCSA is **1,111 hours** [ $13,333 \text{ applicants} \times 5 \text{ minutes/60 minutes per ME} = 1,111 \text{ hours}$ ].

Respondents' salary costs associated with these hours are estimated as calculated below. The

average hourly wage (including benefits) of data entry personnel at private-sector testing organizations is approximately \$19.00. The annual salary cost for private-sector testing organizations to send ME application and test results data to the FMCSA is approximately **\$21,109** [1,111 hours x \$19.00 = \$21,109].

### *CMV Driver Examination*

The FMCSA estimates that respondents will provide CMV driver examination data a maximum of 12 times per year and will file 4,623,000 medical examiner's certificates per year. It is projected that 40,000 certified MEs will be needed to perform the 4,623,000 CMV driver medical examinations required annually. The transmission of CMV driver examination data will require approximately 46,525 hours of ME administrative personnel time on a yearly basis [40,000 registered MEs x 1 minute/60 minutes to file a report x 12 reports per year + 4,623,000 reports x 30 seconds/3600 seconds to enter each driver's examination data elements = 46,525 hours]. It is estimated that it will take ME administrative personnel 30 seconds to file the medical examiner's certificate. This will require approximately 38,525 hours of administrative personnel time on a yearly basis [4,623,000 examinations x 30 seconds/3600 seconds per certificate = 38,525]. In addition, the FMCSA estimates half of motor carriers will request a copy of the medical examiner's certificate and it will take administrative personnel 1 minute to provide a copy of the medical examiner's certificate to a motor carrier. The annual time burden to the administrative personnel for providing motor carriers with a copy of the medical examiner's certificate is approximately 38,525 hours [4,623,000 examinations x .5 (50%) x 1 minute/60 minutes = 38,525 hours]. The annual time burden to ME administrative personnel for transmitting CMV driver examination data to the FMCSA, filing medical examiner's certificates, and providing copies of the medical examiner's certificates to motor carriers is approximately **123,575 hours** [46,525 hours to enter driver examination data elements and 38,525 hours for filing the medical examiner's certificate and 38,525 hours for providing medical examiner's certificates to motor carriers = 123,575 hours].

Respondents' salary costs associated with these hours are estimated as calculated below. The average hourly wage (including benefits) of administrative personnel in a ME's office is estimated to be \$18.00. The annual salary cost for MEs' administrative personnel to provide CMV driver medical examination data to the FMCSA, file medical examiner certificates, and provide copies of the medical examiner's certificates to motor carriers is approximately **\$2,224,350** [123,575 hours x \$18.00 per hour = \$2,224,350].

### Medical Examination Reports and Medical Examiner's Certificates:

The FMCSA estimates that authorized representatives or special agents of the FMCSA or authorized State or local enforcement agency representatives will request MEs to provide copies of the Medical Examination Report and the medical examiner's certificate 2,100 times a year.

It is estimated that it will take ME administrative personnel 5 minutes to provide both the Medical Examination Report and the medical examiner's certificate to FMCSA or an authorized

State or local enforcement agency representative upon request, so this will require approximately **175 hours** of administrative personnel time on a yearly basis [2,100 requests x 5 minutes/60 minutes per response = 175 hours].

Respondents' salary costs associated with these hours are estimated as calculated below. As indicated earlier, the average hourly wage (including benefits) of ME administrative personnel is estimated to be \$18.00. The annual salary cost for ME administrative personnel to provide both the Medical Examination Report and the medical examiner's certificate is approximately **\$3,150** [175 hours x \$18.00 per hour = \$3,150].

Verification of National Registry Number

The FMCSA estimates motor carriers will verify the National Registry Number for 4,623,000 drivers per year who are medically certified. It is estimated it will take motor carrier administrative personnel 4 minutes to verify the National Registry Number, write a note regarding the verification, and file the note in the DQ file, so this will require approximately **308,200 hours** of administrative personnel time on a yearly basis [4,623,000 verifications x 4 minutes/60 minutes per verification = 308,200 hours].

Respondents' salary costs associated with these hours are estimated as calculated below. The average hourly wage (including benefits) of motor carrier administrative personnel is estimated to be \$19.00. The annual salary cost for motor carrier administrative personnel to verify the National Registry Number of the ME, write a note regarding the verification, and file the note in the DQ file is approximately **\$5,855,800** [308,200 hours x \$19.00 per hour = \$5,855,800].

**IC-1: TOTALS FOR MEDICAL QUALIFICATION:**

The total estimated annual time burden to respondents for the medical qualification components is approximately **2,130,702 hours**, and the total annual salary cost for respondents associated with these hours is approximately **\$153,704,189** and as shown in the following table:

TOTAL BURDEN HOURS AND SALARY COSTS FOR MEDICAL QUALIFICATIONS		
	Hours	Salary Cost
Medical Examination Report Form, MCSA 5850 Medical Examination Results Form, and the Medical Examiner's Certificate	1,695,000	\$145,470,450
Resolution of Medical Conflict	11	\$242
SPE	192	\$3,635
Vision Exemption	727	\$14,383
Diabetes Exemption	600	\$12,191
Medical Examiner Application	1,111	\$98,879
Medical Examiner Test Results	1,111	\$21,109

CMV Driver Examination Data	123,575	\$2,224,350
Medical Examination Report and Medical Examiner's Certificate Copies	175	\$3,150
Verification of National Registry Number	308,200	\$5,855,800
<b>Total</b>	<b>2,130,702</b>	<b>153,704,189</b>

**Estimated Total Annual Responses: 4,636,333** (4,623,000 CMV drivers + 13,333 MEs).

**Estimated Total Annual Burden: 2,130,702 hours.**

**IC-2: Medical Examiner's Certification Integration:**

**Proposed Annual Burden Hours for First 3 Years**

General assumptions made for the implementation of the requirements set forth in the notice of proposed rulemaking on the “Medical Examiner's Certification Integration”:

Assumption:

- It will take 3 years for the States to pass legislation and make the necessary system changes before the proposed electronic transmission of information on the medical examiner’s certificate from the ME to the SDLAs will be implemented in the 50 States and the District of Columbia and the data generated by these new requirements are posted to the CDLIS driver record.

Therefore,

- All of the current IC activities imposed on the MEs and motor carriers over the first 3 years of implementing the proposed electronic transmission of the medical examiner’s certificate information from the ME to the SDLAs will remain unchanged.

The proposed IC burden for the first 3 years would consist of the following recordkeeping activities:

Current and Proposed IC Activities for MEs and Motor Carriers	Current Approved Annual Burden Hours	Proposed Annual Burden Hours for the IC Activities in First 3 Years
Medical Examination Report Form, MCSA-5850 Medical Examination Results Form, and the Medical Examiner's Certificate	1,695,000	1,695,000
Resolution of Medical Conflict	11	11
SPE	192	192
Vision Exemption	727	727
Diabetes Exemption	600	600
Medical Examiner Application	1,111	1,111
Medical Examiner Test Results	1,111	1,111
CMV Driver Examination Data	123,575	123,575
Medical Examination Report and Medical Examiner's Certificate Copies	175	175
Verification of National Registry Number	308,200	308,200
<b>Total Burden Hours</b>	<b>2,130,702</b>	<b>2,130,702</b>

FMCSA estimates a **total annual burden of 2,131,702 hours** (1,695,000 + 11 + 192 + 727 + 600 + 1,111 + 1,111 + 123,575 + 175 + 308,200 = 2,131,702) imposed on MEs and motor carriers over the first 3 years of implementing the proposed Medical Examiner's Certification Integration.

**Estimated Total Annual Responses: 4,636,333** (4,623,000 CMV drivers + 13,333 MEs).

**Estimated Total Annual Burden: 2,130,702** (2,130,702 current hours unchanged during the first 3 years).

**Proposed Annual Burden Hours for 4<sup>th</sup> and Subsequent Years**

General assumptions made for the implementation of the requirements set forth in the notice of

proposed rulemaking on the “Medical Examiner's Certification Integration”:

Assumption:

- The medical examiner’s certification and medical variance information will be electronically sent to the SDLA by FMCSA and electronically posted to the CDLIS driver record.

Therefore:

- The proposed NPRM would require MEs to increase the frequency of submission of medical examiner’s certificate information on Form MCSA-5850 from once a month to as often as the ME performs any DQ examinations in a given day.

The FMCSA estimates that the number of times per year that respondents would provide CMV driver examination results information would increase from a minimum of 12 times per year to an average of 50 times per year. MEs would file 4,623,000 medical examiner’s certificates per year (unchanged). It is projected that 40,000 certified MEs (unchanged) will be needed to perform the 4,623,000 CMV driver medical examinations required annually. The transmission of CMV driver examination data will require approximately **71,858** hours of ME administrative personnel time on a yearly basis [40,000 registered MEs x 1 minute/60 minutes to file a report x 50 reports per year + 4,623,000 reports x 30 seconds/3600 seconds to enter each driver’s examination data elements = 71,858 hours]. This is an **increase of 25,333** burden hours per year.

Respondents’ salary costs associated with these hours are estimated as calculated below. The average hourly wage (including benefits) of administrative personnel in a ME’s office is estimated to be \$18.00. Therefore, the annual salary cost for MEs’ administrative personnel to provide CMV driver medical examination results data to the FMCSA is approximately **\$2,680,344** [148,908 hours x \$18.00 per hour = \$2,680,344].

Assumption:

- The medical examiner’s certification and medical variance information will be electronically sent to the State driver’s licensing agency (SDLA) by FMCSA and electronically posted to the CDLIS driver record.

Therefore:

- Verification for CDL drivers will not be required, because FMCSA will provide medical certification information to the states only from MEs who are listed on the National Registry.

Motor carriers will verify the National Registry Number for an estimated 1,294,440 non-CDL drivers who are medically certified per year (a decrease from 4,623,000 CDL and non-CDL

drivers medically certified per year). It is estimated it will take motor carrier administrative personnel 4 minutes to verify the National Registry Number, write a note regarding the verification, and file the note in the DQ file, so this will require approximately **86,296** hours of administrative personnel time on a yearly basis [1,294,440 verifications x 4 minutes/60 minutes per verification = 86,296 hours]. This is a **decrease** of **221,904** burden hours per year.

Respondents' salary costs associated with these hours are estimated as calculated below. The average hourly wage (including benefits) of motor carrier administrative personnel is estimated to be \$19.00. The annual salary cost for motor carrier administrative personnel to verify the National Registry Number of the ME, write a note regarding the verification, and file the note in the DQ file is approximately **\$1,639,624** [86,296 hours x \$19.00 per hour = \$1,639,624].

Assumption:

The proposed requirements set forth in the NPRM on the "Medical Examiner's Certification Integration" will not affect the remaining recordkeeping activities when implemented.

Therefore:

The current annual burden and annual responses for the remaining recordkeeping activities will remain unchanged.

The proposed IC burden for subsequent years would consist of the following recordkeeping activities:

Current and Proposed IC Activities for MEs and Motor Carriers	Proposed Annual Burden Hours for the IC Activities in First 3 Years	Proposed Annual Burden Hours for the IC Activities in 4 <sup>th</sup> Year and Subsequent Years
Medical Examination Form and Medical Certificate	1,695,000	1,695,000
Resolution of Medical Conflict	11	11
SPE	192	192
Vision Exemption	727	727
Diabetes Exemption	600	600
Medical Examiner Application	1,111	1,111
Medical Examiner Test Results	1,111	1,111
CMV Driver Examination Data	123,575	148,908
Medical Examination Reports and Medical Examiner's Certificates	175	175
Verification of National Registry Number	308,200	86,296
<b>Total Burden Hours</b>	<b>2,130,702</b>	<b>1,934,131</b>

FMCSA estimates a **total annual burden of 1,934,131 hours** (1,695,000 + 11 + 192 + 727 + 600 + 1,111 + 1,111 + 148,908 + 175 + 86,296 = 1,934,131) imposed on MEs and motor carriers in subsequent years. These burden hour changes are directly related to program changes to administer the proposed Medical Examiner's Certification Integration.

**TOTALS FOR ALL MEDICAL PROGRAM COMPONENTS:**

The revised total annual salary cost for respondents associated with these hours is approximately **\$149,944,007** (\$153,704,189 current costs - \$3,760,182 decreased costs).

**Estimated Total Annual Responses: 4,636,333** (4,623,000 CMV drivers + 13,333 MEs).

**Estimated Total Annual Burden: 1,934,131** (2,130,702 current hours – 196,571 fewer hours).

**13. Estimate of total annual costs to respondents:**

Respondents' salary costs associated with the burden hours are discussed above.

#### **14. Estimate of cost to the Federal government:**

The cost to the Federal government due to the medical examination process requirements is minimal because the FMCSA does not receive or process the documents. The cost to the Federal government for the resolution of medical conflict is minimal; there are only about three cases per year submitted to the FMCSA for resolution of conflicting medical opinions.

The SPE program requires approximately 1.5 hours to analyze the letter of application and the accompanying materials. It takes approximately 8 hours to process the SPE certification forms and evaluate the applicant's driving abilities. An additional 30 minutes is needed to analyze paperwork prepared by the evaluating employee and issue the certificate to the applicant, making a total of 10 hours of staff work per SPE certificate. The average hourly wage (including benefits) of FMCSA field staff personnel is \$20.43. Therefore, the salary costs to the Federal government per SPE certificate is approximately \$204.30. The annual cost to the Federal government for the SPE certification program is approximately **\$429,030** (2,100 SPE certificates x \$204.30 per SPE certificate= \$429,030).

The cost to the Federal government to conduct the vision exemption process is approximately **\$578,000** annually. This is estimated using an average monthly amount of \$48,000 contract costs to conduct the vision exemption program.

The cost to the Federal government to conduct the diabetes exemption process will be approximately **\$892,000** annually. This is estimated using an average monthly amount of \$75,000 contract costs to conduct the diabetes exemption program.

#### **National Registry**

##### *1) Medical Examiner Application and Test Results:*

The one-time cost to the Federal government to develop a centralized, secure Web application database that allows private-sector testing organizations to upload ME application and test results data will be approximately \$275,000. The annual maintenance costs for the database are estimated at \$96,000 (\$8,000 a month x 12 = \$96,000). Therefore, the cost for the first year of program implementation is \$371,000 [\$275,000 + \$96,000 = \$371,000] and \$96,000 annually thereafter. The maintenance costs include hosting of the database, data input, database security and continuity of operations. For purposes of this Supporting Statement, spreading the development costs over the first 3 years of implementation and adding annual maintenance costs yields an annual cost of **\$187,666** [\$275,000/3 years = \$91,666 + \$96,000 = \$187,666].

##### *2) CMV Driver Examination Data, Medical Examination Reports:*

It is estimated that 20,000 MEs will be listed on the National Registry annually for the first 2 years of National Registry implementation. The FMCSA estimates it will cost \$326.00 per ME for the first year a ME submits CMV driver examination data and \$33.00 per ME per year thereafter. The cost to the Federal government to develop and maintain a centralized, secure

database that allows MEs to submit over the Internet at any time the CMV driver examination data defined in the Final Rule is approximately \$5,000,000 a year. This breaks down as follows: \$4,700,000 for the first year of implementation, \$5,100,000 for the second year and \$5,600,000 for the third year as the number of certified MEs increases [Year 1: 20,000 x \$326.00 = \$6,520,000 + Year 2: 20,000 x \$326.00 + 20,000 x \$33.00 = \$7,180,000 + Year 3: 40,000 x \$33.00 = \$1,320,000]. This is a total of \$15,020,000 for the first three years of National Registry implementation. This is approximately **\$5,000,000** annually. The cost includes provision of ME account access, customer support for users, hosting of the database, database security, and continuity of operations. The FMCSA can also use this database in the future for MEs to upload CMV Driver Medical Examination Reports for monitoring ME performance as required by SAFETEA-LU.

**IC-1: TOTALS FOR MEDICAL QUALIFICATION:**

The total annual cost to the Federal government for all medical qualification components is approximately **\$7,086,696** [\$429,030 SPE process + \$578,000 vision exemption process + \$892,000 diabetes exemption process + \$5,187,666 National Registry].

**IC-2: Medical Examiner's Certification Integration:**

FMCSA estimates the cost of modifying the National Registry system to provide medical certification and variance information to the States electronically would be \$100,000 for the first year. The annual maintenance costs for the data transfer are estimated at \$33,000. Therefore, the cost for the first year of program implementation is \$100,000 and \$33,000 annually thereafter. The maintenance costs include hosting of the database, data input, database security and continuity of operations. For purposes of this Supporting Statement, spreading the development costs over the first 3 years of implementation and adding annual maintenance costs yields an annual cost of **\$44,333** [\$133,000/3 years = \$44,333].

**IC-2: TOTALS FOR Medical Examiner's Certification Integration:**

The total annual cost for the Medical Examiner's Certification Integration is approximately **\$44,333**.

**TOTAL FOR ALL MEDICAL PROGRAM COMPONENTS:**

The total annual cost to the Federal government for all medical requirement components is approximately **\$7,086,696** [\$429,030 SPE Process + \$578,000 vision exemption process + \$892,000 diabetes exemption process + \$5,187,666 National Registry program + 44,333 Medical Examiner's Certification Integration].

**15. Explanation of program changes or adjustments:**

The program change is due to a net reduction in information collection requirements defined in the Medical Examiner's Certification Integration Final Rule. These requirements would decrease burden hours by 196,571 and salary costs by \$3,760,182.

**16. Publication of results of data collection:**

This information would not be published with the following exception.

*National Registry Medical Examiner Test Application Data:* As indicated, these data would ultimately be used to provide CMV drivers with contact information for those medical professionals who have satisfactorily completed the certification test and are listed on the NRCME. MEs listed on the National Registry would elect to have their contact and professional information listed in a public, online database.

**17. Approval for not displaying the expiration date for OMB approval:**

The FMCSA is seeking this approval because the Medical Examiner's Certificate is published in 49 CFR 391.43. Under PRA, the maximum approval time is for three years.

**18. Exceptions to certification statement:**

There are no exceptions to the certification statement.

**Attachments**

- A. A Notice of Proposed Rulemaking entitled, "*Medical Examiner's Certification Integration*" (78 FR 27343), dated May 10, 2013.
- B. A final rule entitled, "*National Registry of Certified Medical Examiners*" (77 FR 24104), dated April 20, 2012.
- C. Title 49 CFR parts 390-399
- D. A notice of final disposition entitled, "*Qualification of Drivers; Exemption Applications; Diabetes*" (at 68 FR 52441), September 3, 2003.
- E. A notice of revised final disposition entitled, "*Qualification of Drivers, Eligibility Criteria and Applications; Diabetes Exemption*" (at 70 FR 67777), November 8, 2005.
- F. Section 4129 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) (Public Law 109-59, 119 Stat. 1144; August 10, 2005).
- G. A final rule entitled, "Medical Certification Requirements as Part of the CDL" (at 73 FR 73096), December 1, 2008.
- H. 49 U.S.C. 31149
- I. Section 4116 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A

Legacy for Users (SAFETEA-LU) (Public Law 109-59, 119 Stat. 1144, August 10, 2005).

Forms:

MCSA-5850, "CMV Driver Examination Results Form."

MCSA-5875, "Medical Examination Report Form."

MCSA-5876, "Medical Examiner's Certificate."